

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 53

Introduced by Krist, 10.

Read first time January 06, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-611, Revised
2 Statutes Cumulative Supplement, 2010; to change
3 provisions relating to free transportation for students
4 in learning communities; to harmonize provisions; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-611, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 79-611 (1) The school board of any school district shall
4 provide free transportation, partially provide free transportation,
5 or pay an allowance for transportation in lieu of free transportation
6 as follows:

7 (a) When a student attends an elementary school in his or
8 her own district and lives more than four miles from the public
9 schoolhouse in such district as measured by the shortest route that
10 must actually and necessarily be traveled by motor vehicle to reach
11 the student's residence;

12 (b) When a student is required to attend an elementary
13 school outside of his or her own district and lives more than four
14 miles from such elementary school as measured by the shortest route
15 that must actually and necessarily be traveled by motor vehicle to
16 reach the student's residence;

17 (c) When a student attends a secondary school in his or
18 her own Class II or Class III school district and lives more than
19 four miles from the public schoolhouse as measured by the shortest
20 route that must actually and necessarily be traveled by motor vehicle
21 to reach the student's residence. This subdivision does not apply
22 when one or more Class I school districts merge with a Class VI
23 school district to form a new Class II or III school district on or
24 after January 1, 1997; and

25 (d) When a student, other than a student in grades ten

1 through twelve in a Class V district, attends an elementary or junior
2 high school in his or her own Class V district and lives more than
3 four miles from the public schoolhouse in such district as measured
4 by the shortest route that must actually and necessarily be traveled
5 by motor vehicle to reach the student's residence.

6 (2)(a) The school board of any school district that is a
7 member of a learning community shall provide free transportation for
8 a student who resides in such learning community and attends school
9 in such school district if ~~(i) the student is transferring pursuant~~
10 ~~to the open enrollment provisions of section 79-2110, qualifies for~~
11 ~~free or reduced price lunches, and lives more than one mile from the~~
12 ~~school to which he or she transfers, (ii) the student is transferring~~
13 ~~pursuant to such open enrollment provisions, and either (i) is a~~
14 student who contributes to the socioeconomic diversity of enrollment
15 at the school building to which he or she attends, transfers and
16 lives more than one mile from the school to which he or she
17 transfers, ~~(iii) the student is~~ or (ii) is a student attending a
18 focus school or program and lives more than one mile from the school
19 building housing the focus school or program. ~~or (iv) the student~~
20 ~~is attending a magnet school or program and lives more than one mile~~
21 ~~from the magnet school or the school housing the magnet program.~~

22 (b) For purposes of this subsection, student who
23 contributes to the socioeconomic diversity of enrollment ~~at the~~
24 ~~school building he or she attends~~ has the definition found in section
25 79-2110. This subsection does not prohibit a school district that is

1 a member of a learning community from providing transportation to any
2 intradistrict student.

3 (3) The transportation allowance which may be paid to the
4 parent, custodial parent, or guardian of students qualifying for free
5 transportation pursuant to subsection (1) or (2) of this section
6 shall equal two hundred eighty-five percent of the mileage rate
7 provided in section 81-1176, multiplied by each mile actually and
8 necessarily traveled, on each day of attendance, beyond which the
9 one-way distance from the residence of the student to the schoolhouse
10 exceeds three miles.

11 (4) Whenever students from more than one family travel to
12 school in the same vehicle, the transportation allowance prescribed
13 in subsection (3) of this section shall be payable as follows:

14 (a) To the parent, custodial parent, or guardian
15 providing transportation for students from other families, one
16 hundred percent of the amount prescribed in subsection (3) of this
17 section for the transportation of students of such parent's,
18 custodial parent's, or guardian's own family and an additional five
19 percent for students of each other family not to exceed a maximum of
20 one hundred twenty-five percent of the amount determined pursuant to
21 subsection (3) of this section; and

22 (b) To the parent, custodial parent, or guardian not
23 providing transportation for students of other families, two hundred
24 eighty-five percent of the mileage rate provided in section 81-1176
25 multiplied by each mile actually and necessarily traveled, on each

1 day of attendance, from the residence of the student to the pick-up
2 point at which students transfer to the vehicle of a parent,
3 custodial parent, or guardian described in subdivision (a) of this
4 subsection.

5 (5) When a student who qualifies under the mileage
6 requirements of subsection (1) of this section lives more than three
7 miles from the location where the student must be picked up and
8 dropped off in order to access school-provided free transportation,
9 as measured by the shortest route that must actually and necessarily
10 be traveled by motor vehicle between his or her residence and such
11 location, such school-provided transportation shall be deemed
12 partially provided free transportation. School districts partially
13 providing free transportation shall pay an allowance to the student's
14 parent or guardian equal to two hundred eighty-five percent of the
15 mileage rate provided in section 81-1176 multiplied by each mile
16 actually and necessarily traveled, on each day of attendance, beyond
17 which the one-way distance from the residence of the student to the
18 location where the student must be picked up and dropped off exceeds
19 three miles.

20 (6) The board may authorize school-provided
21 transportation to any student who does not qualify under the mileage
22 requirements of subsection (1) of this section and may charge a fee
23 to the parent or guardian of the student for such service. An
24 affiliated high school district may provide free transportation or
25 pay the allowance described in this section for high school students

1 residing in an affiliated Class I district. No transportation
2 payments shall be made to a family for mileage not actually traveled
3 by such family. The number of days the student has attended school
4 shall be reported monthly by the teacher to the board of such public
5 school district.

6 (7) No more than one allowance shall be made to a family
7 irrespective of the number of students in a family being transported
8 to school. If a family resides in a Class I district which is part of
9 a Class VI district and has students enrolled in any of the grades
10 offered by the Class I district and in any of the non-high-school
11 grades offered by the Class VI district, such family shall receive
12 not more than one allowance for the distance actually traveled when
13 both districts are on the same direct travel route with one district
14 being located a greater distance from the residence than the other.
15 In such cases, the travel allowance shall be prorated among the
16 school districts involved.

17 (8) No student shall be exempt from school attendance on
18 account of distance from the public schoolhouse.

19 Sec. 2. Original section 79-611, Revised Statutes
20 Cumulative Supplement, 2010, is repealed.